IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4526 OF 2007

Supdu Bala Jadhav & Ors..... ....Petitioners.
V/s
Mahadeo Mandir Sangameshwar Trust & Ors..... ....Respondents.

Office Notes, Office Memoranda of Coram, appearances Court's orders or directions and Registrar' orders.	Court's or Judge's Orders

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Mr.S.M.Kamble, Adv. for the petitioners.

CORAM: A.P. DESHPANDE, J.
24.7.2007

PC:

The present petitioner filed an application at Ex.67 in Regular Civil Suit No.156/05 contending therein that the Court has no peculiar jurisdiction to try the suit in view of issue No.3. Issue No.3 is "Whether the plaintiffs prove that defendants 1 and 2 have lawfully surrendered their tenancy rights in the suit premises in favour of plaintiff-trust after receiving a total consideration of Rs.3 lacs and thereby transferred the

possession of the suit premises to the plaintiff-trust?" The trial has already commenced. The trial Court has rejected the application filed by the petitioner at Ex.67. At this stage I do not propose to interfere with the impugned order as the same is bound to obstruct the progress of the suit. Prima facie I do not see any patent illegality being committed by the trial Court in passing the impugned order dated 17.4.07. However as I am summarily dismissing the writ petition I permit the petitioner to raise all the contentions raised in this petition before the First Appellate Court if and in case the petitioner is required to file regular civil appeal in the event of passing of decree against the petitioner by the trial Court.

24.7.07.